

Appl. No. : 10/763,977
Filed : January 23, 2004

REMARKS

Claims 13-15 and 18 have been rewritten in independent form including all of the limitations of a base claim and any intervening claims. Claims 1-8, 12, 16, and 17 have been canceled without prejudice. No new matter is added. No new issues are raised. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection of Claims 1-8, 12, 16, and 17 Under 35 U.S.C. §102(e)

Claims 1-8, 12, 16, and 17 have been rejected under 35 U.S.C. §102(e) as being anticipated by Imono (US 6,899,949). Claims 1-8, 12, 16, and 17 have been canceled without prejudice, and thus, this rejection is moot.

Rejection of Claims 9-11, 13-15, and 18 Under 35 U.S.C. §103(a)

Claims 9-11, 13-15, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Imono (US 6,899,949).

However, 35 U.S.C. § 103(c)(1) prescribes:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Imono is prior art only under 35 U.S.C. § 102(e) as cited by the Examiner.

Imono is owned by Nitto Denko Corporation as shown on the front page of the patent. The present application is also owned by Nitto Denko Corporation (Reel/Frame: 014930/0137). Pursuant to M.P.E.P. § 706.02(l)(2), the undersigned is an attorney of record and states hereby: The present application and Imono were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, Nitto Denko Corporation.

Thus, Imono shall not preclude patentability of the above claims. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION